

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 DENNIS McGOVERN & LINDA McGOVERN, :  
 Plaintiffs, :  
 :  
 -v- :  
 :  
 THE CITY OF NEW YORK, LIEUTENANT JOHN :  
 CABAN, POLICE OFFICER McLARNEY, POLICE :  
 OFFICER STEVEN OWENS, LIEUTENANT TOM :  
 RICCIARDI, POLICE OFFICER ORLANDO RUIZ, :  
 Defendants. :  
 :  
 -----X

DENISE COTE, District Judge:

Plaintiffs filed this 42 U.S.C. § 1983 action on February 9, 2006. On September 12, defendants' counsel filed a Rule 25(a) Suggestion of Death for plaintiff Dennis McGovern, who died on September 4. Plaintiffs' counsel requested an opportunity to move to amend the complaint in order to substitute Linda McGovern as administratrix on behalf of Dennis McGovern's estate, once the appointment was complete. By a September 27 memo endorsement, this Court granted the request to the extent plaintiff acts with appropriate diligence, and stated that plaintiff should seek consent from defendants before filing any motion. It has been more than 90 days since the Suggestion of Death was filed, and no motion for substitution has been made. It is hereby

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06 Civ. 1015 (DLC)

ORDER

ORDERED that if a motion for substitution for Dennis McGovern is not made by January 19, 2007, this action shall be dismissed pursuant to Rule 25, Fed. R. Civ. P.

SO ORDERED:

Dated:      New York, New York  
December 21, 2006

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*Denise Cote*  
DENISE COTE  
United States District Judge